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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Victor Palazuelos,

10 Plaintiff,

11 v.

12 HSGI Incorporated,

13 Defendant.  
14

No. CV-23-00478-TUC-AMM

**ORDER**

15 **IT IS ORDERED** that, pursuant to Rule 16 of the Federal Rules of Civil Procedure,  
16 a telephonic Scheduling Conference will be held in the above-entitled action on **October**  
17 **16, 2024, at 1:30 p.m.**, before the Honorable Angela M. Martinez. The parties shall  
18 participate in the conference using the following call-in information:

19 Call-in number: 1-855-244-8681

20 Access code: 2312 041 2572

21 The parties are directed to Rules 16 and 26 of the Federal Rules of Civil Procedure  
22 and this Order for the objectives of the Conference. At least one of the attorneys for each  
23 party attending the Conference shall have authority to enter into stipulations and make  
24 admissions regarding all matters which may be discussed.

25 **IT IS FURTHER ORDERED** that, pursuant to Rule 26(f) of the Federal Rules of  
26 Civil Procedure, counsel are directed to confer as soon as practicable prior to the  
27 Conference scheduled herein to discuss the following matters:

- 28
1. Any matters relating to jurisdiction, venue, or the joinder of additional parties;
  2. The nature and basis of each parties' claims and defenses;

- 1 3. The possibility for a prompt settlement or resolution of the case;
- 2 4. The scope of discovery and possible limitations thereof. *See* Fed. R. Civ. P. 26(b)(2).
- 3 Counsel are expected to discuss any issues about preserving discoverable
- 4 information and develop a proposed discovery plan. Counsel must comply with
- 5 Rule 26(b) and (f) and seek to minimize the expense of discovery. Counsel are
- 6 expected to discuss and develop a plan for any issues about disclosure or discovery
- 7 of electronically stored information, including the form or forms in which it should
- 8 be produced. Also, counsel shall make any necessary agreements regarding how to
- 9 handle claims of privilege or claims of protection for trial-preparation materials;
- 10 5. A schedule for all pre-trial proceedings and the modification of any pre-trial
- 11 procedures due to the simplicity or complexity of the case; and
- 12 6. Any other matters that counsel feel will help dispose of the matter in an efficient
- 13 manner.

14 **IT IS FURTHER ORDERED** that the parties shall complete their initial  
15 disclosures on or before **October 9, 2024**. The parties shall file with the Clerk of Court a  
16 Notice of Initial Disclosure, rather than copies of the actual disclosure.

17 **IT IS FURTHER ORDERED** that the parties shall prepare a Joint Case  
18 Management Plan reflecting the results of their discussion and file it with the Court on or  
19 before **October 9, 2024**. The Plan shall include individually numbered brief statements  
20 indicating:

- 21 1. The name and phone number of each attorney that will be appearing at the
- 22 conference.
- 23 2. The nature of the case, setting forth in brief statements the factual and legal basis
- 24 of Plaintiffs' claims and Defendants' defenses;
- 25 3. A list of the elements of proof necessary for each count of the Complaint and each
- 26 affirmative defense. Where the burden of proof shifts, each party shall list the
- 27 elements of proof that party must prove in order to prevail. The list of elements of
- 28 proof must contain citations to relevant legal authority (i.e., United States statutory

- 1 and/or administrative law, United States Supreme Court cases, Ninth Circuit Court
- 2 of Appeals cases, Arizona State case and statutory law, or other authority as dictated
- 3 by the conflicts of law rules);
- 4 4. The factual and legal issues genuinely in dispute and whether they can be narrowed
- 5 by stipulation or motions;
- 6 5. The jurisdictional basis of the case, citing specific statutes;
- 7 6. The parties, if any, that have not been served, as well as parties that have not filed
- 8 an answer or other appearance. Unless counsel can otherwise show cause, the joint
- 9 report shall be accompanied by a stipulation and a form of order dismissing any
- 10 party that has not been served, or a motion seeking default on any non-appearing
- 11 party;
- 12 7. The names of parties not subject to the Court's jurisdiction;
- 13 8. The status of related cases pending before other judges of this Court or other courts
- 14 and whether it is appropriate for any matters to be consolidated pursuant to LRCiv
- 15 42.1(a);
- 16 9. Whether there are dispositive or partially dispositive issues to be decided by pre-
- 17 trial motions and legal issues about which any pretrial motions are contemplated;
- 18 10. Whether the case is suitable for reference to arbitration, to a master, or to a
- 19 magistrate judge for trial;
- 20 11. The prospects for settlement, specifically addressing the parties' wishes to have a
- 21 settlement conference with another magistrate judge and any other way the Court
- 22 can facilitate settlement;
- 23 12. Any unusual, difficult, or complex problems affecting the conduct of the case, or
- 24 which would require the case to be placed on the complex track for case
- 25 management purposes pursuant to LRCiv 16.2;
- 26 13. Suggested changes, if any, in the limitations on discovery imposed by Federal Rule
- 27 of Civil Procedure 26(b)(2);
- 28 14. The extent and nature of discovery, and whether discovery should be conducted in

- 1 phases or limited to or focused upon particular issues;
- 2 15. A discussion of any issues related to preservation, disclosure, or discovery of
- 3 electronically stored information, including the parties' preservation of
- 4 electronically stored information and the form or forms in which it will be produced;
- 5 16. A discussion of any issues relating to claims of privilege or work product;
- 6 17. Proposed deadlines for:
- 7 a. Filing motions to amend the complaint and to join additional parties;
- 8 b. Completing discovery (if the parties believe that discovery will require
- 9 more than six months, counsel MUST provide an explanation showing
- 10 why, in the instant case, a lengthier period for discovery is necessary);
- 11 c. Filing dispositive motions;
- 12 d. Disclosure of initial expert testimony and rebuttal expert testimony
- 13 pursuant to Federal Rule of Civil Procedure Rule 26(a)(2) and (3);
- 14 e. Disclosure of fact witnesses; and
- 15 f. Filing pretrial statement;
- 16 18. Whether a jury trial has been requested and whether the request is contested;
- 17 19. Estimated date that the case will be ready for trial, the estimated length of trial, and
- 18 any suggestions for shortening trial; and
- 19 20. Any other matters which counsel feel will aid the Court in expediting the disposition
- 20 of this matter efficiently.

21 After the conference, the Court will enter a Scheduling Order limiting the time

22 within which counsel may file pre-trial motions, complete discovery, and file the pretrial

23 statement. To the extent that the Court's Scheduling Order differs from the parties'

24 proposed schedule, the provisions of the Court's Order shall supersede the parties'

25 proposed schedule and shall control the course of the action unless modified by subsequent

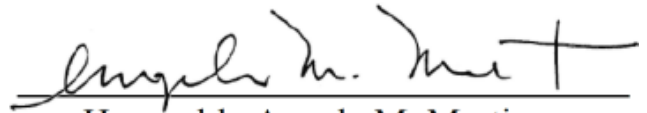
26 Order.

27 **IT IS FURTHER ORDERED** that all parties are expected to comply with Federal

28 Rule of Civil Procedure 26 and to minimize the expense of discovery. Counsel should

1 ensure that all pleadings comply with LRCiv 7.1 and 7.2. The parties and their counsel are  
2 cautioned that the deadlines set in the Court's Scheduling Order shall be strictly enforced.  
3 This Court views this Scheduling Conference as critical to its case management  
4 responsibilities and the parties' responsibilities under Federal Rule of Civil Procedure 1.

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6 Dated this 28th day of August, 2024.

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10 Honorable Angela M. Martinez  
11 United States District Judge  
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